IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

RP.No. 350 of 2007(B)

AGAINST THE JUDGEMENT/ORDER IN WPC.12617/2006
.....

REVIEW PETITIONER/PETITIONER

MUHAMMED HAJI, AGED 42 YEARS,
S/O. PADIYATH MANNAPPATT ABDUL KHADER,
RESIDING AT EDAVILANGU DESOM, EDAVILANGU VILLAGE,
KODUNGALLUR.

BY ADV. SRI.BABU KARUKAPADATH

RESPONDENTS: RESPONDENTS
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1. KODUNGALLUR MUNICIPALITY, REPRESENTED BY
ITS SECRETARY, KODUNGALLUR.

2. JAMALUDHIN THANGAL, S/O. POOKOYA
THANGAL, UDARATHU VALAPPIL, EDAVILANGU DESOM,
EDAVILANGU VILLAGE, KODUNGALLUR.

3. U.J.NOUSHAD, S/O. JAMALUDHIN THANGAL,
UDARATHU VALAPPIL, EDAVILANGU DESOM,
EDAVILANGU VILLAGE, KODUNGALLUR.

BY ADV. SRI.M.P.ASHOK KUMAR (R1)
SRI.C.E.UNNIKRISHNAN (R2)

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 13/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

R.P. NO. 350/2007 IN W.P.(C) NO.12617/2006

Dated this the 13th day of June 2007

O R D E R

I am informed by the Standing Counsel for the Municipality and by the counsel for the respondents that pursuant to the directions of the Tribunal, the Municipality heard the parties and passage of order was deferred on account of the pendency of this Review Petition. Sri. Babu Karukapadath, the learned counsel for the petitioner does not agree. He submitted that on the day the matter was posted for hearing, the Review Petitioner filed an application for getting copies of certain documents and that actual hearing of the matter is yet to be conducted.

2. The ground which is prominently urged by Sri. Babu Karukapadath was based on Ext.P10 Government Order. According to the learned counsel, the Municipality cannot be allowed to demolish the constructions which have been made on the strength of Ext.P10 by which exemption is given to rules relating to parking area also.

2. Considering the rival submissions addressed at the bar, I

am inclined to dispose of the Review Petition issuing the following directions:

The Review petitioner is permitted to submit written arguments before the 1st respondent. The landlord is also free to submit written arguments. If written arguments are submitted before the Secretary of the Municipality within 10 days from today, the Secretary will consider the arguments and pass orders. It is needles to mention that the Municipality will take into account the implications of Ext.P10 Government Order. As directed decision will be taken by the Municipality at the earliest and at any rate within one month from today. Order shall be passed by the Municipality on application, if any, already filed by the review petitioner for copies of the documents. The order to be passed by the first respondent pursuant to the direction herein will not be implemented for a period of 30 days from the date the order is communicated to the parties.

PIUS C. KURIAKOSE,

JUDGE.

dpk

dpk